

**MINUTES OF THE UNITED STATES DISTRICT COURT  
DISTRICT OF ALASKA**

*North Star Terminal & Stevedore Company et al. v. Nugget Construction, Inc. et al.*  
Case No. 3:98-cv-009 TMB

By: THE HONORABLE TIMOTHY M. BURGESS

**PROCEEDINGS:** ORDER FROM CHAMBERS

Herbert A. Viergutz, Esq. of Barokas Martin & Tomlinson, formerly represented Defendant United States Fidelity & Guaranty Company (“USF&G”) with respect to Plaintiffs’ bad faith claim only. Plaintiffs’ bad faith claim has been dismissed by prior order of this Court.

At today’s status conference, Mr. Viergutz informed the Court that (i) Barokas Martin & Tomlinson will shortly represent USF&G in all respects in this litigation and (ii) Mr. Viergutz’s schedule conflicts with certain of the deadlines established by this Court’s pre-trial order at Docket No. 654. Barokas Martin & Tomlinson has not filed a notice of appearance for USF&G with respect to any claims other than the (now dismissed) bad faith claim.

At the time the Court set the deadlines in its pre-trial order, Oles Morrison Rinker & Baker, LLP was counsel of record to USF&G with respect to all claims except the bad faith claim. In setting the pre-trial deadlines, the Court was mindful of the availability of all counsel remaining in the litigation at the time, which did not include Barokas Martin & Tomlinson.

**IT IS HEREBY ORDERED:**

Mr. Viergutz is to meet and confer with counsel for each other party in this litigation regarding revising the deadlines set forth in the pre-trial order. Should the parties agree to revised deadlines, Mr. Viergutz shall submit a stipulated amendment to the pre-trial order. Absent agreement among the parties, the Court is disinclined to alter the deadlines established by the previously issued pre-trial order.

Entered at the direction of the Honorable Timothy M. Burgess, United States District Judge.

DATE: August 17, 2006